THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.2576 OF 2006

DATED: 03-07-2007

BETWEEN

Katragadda Nagamalleswara
Rao @ Babu, S/o. Late Konaiah,
Occ: Politician, Social Servant,
R/o. APSEB Colony, Labbipet,
Vijayawada, Krishna District.

...PETITIONER

AND

The Commissioner of Police,
Vijayawada City, Krishna District
and another.

...RESPONDENTS

ORDER:

Petitioner submits that a suspect sheet No.243 of 2004 has been opened against him on the file of the Station House Officer, Krishna Lanka Police Station, Vijayawada, even though all the criminal cases pending against him ended in acquittal, without any justification whatsoever.

2. Learned counsel for the petitioner submits that all the criminal cases filed against the petitioner ended in acquittal, therefore, questioning the action of the respondents in continuing the rowdy sheet, petitioner filed W.P.No.10418 of 2004 on the file of this Court an this Court by order dated 15.09.2004 held that in view of the acquittal of the petitioner in all seven cases pending against him and as there was no case pending against him, continuing rowdy sheet may not be just and proper and accordingly allowed

the writ petition. Pursuant to the said order, the rowdy sheet against the petitioner was closed on 30.11.2004, however, to kept surveillance over the petitioner, a suspect sheet was opened on the very same day i.e. 30.11.2004, to have a watch over the movements and activities of the petitioner in order to maintain law and order.

3. The rowdy sheet is different from suspect sheet. Therefore, it cannot be said that opening of suspect sheet after the writ petition was allowed as illegal and arbitrary. Opening of suspect sheet is dealt with Order 600 of the Andhra Pradesh Police Manual, Part – I, volume – 2, whereas rowdy sheet is opened under Order 601. The suspect sheet can be continued even though no cases are registered prior to 5 years and the history sheet of suspects can be continued if the concerned authority is of the view that the activities of the individual are prejudicial to the maintenance of public order or one affecting peace and tranquility in the area as contemplated under Order 602-2.

4. Counter has been filed stating that the suspect sheet was opened on 30.11.2004 against the petitioner, as he was in the habit of accommodating bad characters in his house for counter attack and also to attack his opponents. Therefore, there was an imperative need for the police to keep a watch on the movements of the petitioner in order to prevent attack on him and also prevent his attacks on his opponents. Unless a suspect sheet is maintained against him it is not possible to conduct frequent checks on him and to keep a record of his activities. It is further stated that even after acquittal of the petitioner in seven cases and after the disposal of the writ petition setting aside the rowdy sheet, another case in Cr.No.167 of 2005 was registered against the petitioner and the same is pending trial.

5. In view of the aforesaid counter, I am of the opinion that opening of suspect sheet against the petitioner cannot be found fault with. However, it is for the concerned authorities to take a decision whether to continue the

suspect sheet of the petitioner from time to time or not.

Having regard to the facts and circumstances of the case, the respondents may consider as to whether it is desirable to continue the suspect sheet opened against the petitioner and pass appropriate orders keeping in view the Order 602-2 of the Andhra Pradesh Police Manual, Part – I, Volume – 2.

The writ petition is accordingly disposed of. There shall be no order as to costs.

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V. ESWARAIAH, J

July 3, 2007
DSK